

Attorney Docket No.: 01CON260P
Application Serial No.: 10/008,925

REMARKS

This is in response to the *Non-Final* Office Action, dated October 3, 2005, where the Examiner has rejected claims 1-12, 14-26 and 30-35, objected to claims 13 and 26, and allowed claims 27-29. Applicant acknowledges and appreciates the Examiner's statement regarding allowance of claims 27-29. By the present amendment, applicant has amended claims 1, 14 and 30-34, cancelled claims 13 and 26, and added new claims 36-39. After the present amendment, claims 1-12, 14-25 and 27-39 are pending in the present application. Allowance of pending claims 1-12, 14-25 and 27-39 in view of the amendments and the following remarks is respectfully requested.

A. Objection to the Drawings

The Examiner has objected to the drawings stating that reference character 518 in FIG. 5A is not mentioned in the written specification. Applicant respectfully submits that reference character 518 has been mentioned on page 2, line 14, of the present application. Accordingly, applicant respectfully requests that the objection be withdrawn.

The Examiner has objected to the drawings stating that reference character 565 in FIG. 5C is not mentioned in the written specification. By the present amendment, applicant has amended the written description to replace "5565" with --565--. Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

The Examiner has objected to the drawings stating that reference character 318 does not appear in the drawings. By the present amendment, applicant has amended the written

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description to replace "318" with --518--. Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

The Examiner has objected to the drawings stating that reference character 320 does not appear in the drawings. By the present amendment, applicant has amended the written description to replace "320" with --520--. Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

The Examiner has objected to the drawings stating that reference character 5565 does not appear in the drawings. By the present amendment, applicant has amended the written description to replace "5565" with --565--. Accordingly, applicant respectfully submits that the Examiner's objection has been overcome.

The Examiner has objected to the drawings stating that reference character 140 is used in place of reference character 128, reference character 332 is used in place of reference character 330, and reference character 326 is used in place of reference character 526. In response, by the present amendment, applicant has amended the written description to overcome the Examiner's objection.

B. Objection to the Title

The Examiner has objected to the title of present application stating that the title is not descriptive of the invention to which the claims are directed. By the present amendment, applicant has amended the title to read: "Auto Detection Method and System for Matching a Communication Protocol of a Calling Modem with a Communication Protocol of an Answering

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Modem.” Accordingly, applicant respectfully submits that the Examiner’s objection has been overcome.

C. Rejection of Claims 26, 30 and 32-34 under 35 U.S.C. § 112 ¶2

The Examiner has rejected claims 26, 30 and 32-34, under 35 U.S.C. § 112 ¶2, as being indefinite.

By the present amendment, applicant has cancelled claim 26. Accordingly, applicant respectfully submits that rejection of claim 26 has been rendered moot.

Further, by the present amendment, applicant has amended claim 30 to depend from claim 27, rather than claim 21. Accordingly, applicant respectfully submits that the Examiner’s rejection has been overcome.

The Examiner has rejected claims 32-34 stating that it is unclear which data rate is intended to be claimed in the dependent claims. By the present amendment, applicant has amended claim 32 to recite “wherein said V.110 communication protocol further has a 16K data rate.” Claims 33 and 34 have also been amended in a similar fashion. Accordingly, applicant respectfully submits that the Examiner’s rejection has been overcome.

D. Rejection of Claims 1-3, 5 and 12 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-3, 5 and 12, under 35 U.S.C. § 103(a), as being unpatentable over Rasanen (USPN 6,192,005) (“Rasanen”) in view of Simpson (RFC 1662) (“Simpson”).

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Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 1 to include all of the limitations of claim 13. Accordingly, applicant respectfully submits that claim 1 is in condition for allowance, based on the Examiner's statement that claim 13 would be allowable if rewritten in independent form. Further, claims 2-3, 5 and 12 depend from claim 1, as amended, and should be allowed at least for the same reason claim 1 is in condition for allowance.

E. Rejection of Claims 6-11 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 6-11, under 35 U.S.C. § 103(a), as being unpatentable over Rasanen in view of Simpson, and further in view of Birkeland (USPN 6,658,026) ("Birkeland").

Applicant respectfully submits that claims 6-11 depend from claim 1, as amended, and should be allowed at least for the same reason claim 1 is in condition for allowance.

F. Rejection of Claims 14-25 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 14-25, under 35 U.S.C. § 103(a), as being unpatentable for the same reasons as rejection of claims 1-12, respectively.

Applicant respectfully disagrees; however, in order to expedite the prosecution of the present application, applicant has amended claim 14 to include all of the limitations of claim 26. Accordingly, applicant respectfully submits that claim 14 is in condition for allowance, based on the Examiner's statement that claim 26 would be allowable if rewritten in independent form.

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Further, claims 15-25 depend from claim 14, as amended, and should be allowed at least for the same reason claim 14 is in condition for allowance.

G. Rejection of Claims 31-33 and 35 under 35 U.S.C. § 103(a)

The Examiner has rejected claims 31-33 and 35, under 35 U.S.C. § 103(a), as being unpatentable over Rasanen in view of Birkeland, and further in view of ITU-T Recommendation V.110.

By the present amendment, applicant has amended independent claim 31 to include limitations similar to those of claim 13. Accordingly, applicant respectfully submits that claim 31 should be allowed at least for the same reasons the Examiner has found claim 13 to be allowable. Further, claims 32-33 and 35 depend from claim 31, as amended, and should be allowed at least for the same reason claim 31 should be allowed.

H. New Claims 36-39

By the present amendment applicant has added dependent claims 36 and 37, and independent claims 38 and 39. Dependent claim 36 depends from claim 1 and recites "wherein said analyzing step analyzes said received data to match said received data with said one of said plurality of communication protocols, including a V.110 protocol, an ISDN protocol and a PIAFS protocol." Applicant respectfully submits that the limitations of claim 36 are supported by the written specification and allowed claim 27. Further, dependent claim 37 depends from claim 14 and includes limitations similar to those of claim 36. Also, independent claims 38 and

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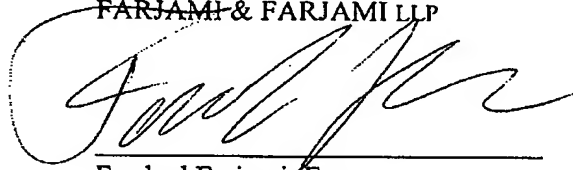
39, include the limitations of claims 1 and 14 (prior to the present amendment), respectively, and further recite limitations similar to those of claim 36.

Applicant respectfully submits that dependent claims 36 and 37 should be allowed at least for one or more reasons claims 1 and 14, respectively, are in condition for allowance. Further, applicant respectfully submits that claims 36-39 should be allowed at least for one or more reasons claim 27 has been allowed.

I. Conclusion

For all the foregoing reasons, an early notice of allowance for claims 1-12, 14-25 and 27-39 pending in the present application is respectfully requested. The Examiner is invited to contact the undersigned for any questions.

Respectfully Submitted;
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